

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>

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IN THE MATTER OF LEVEL 3 COMMUNICATIONS,)
LLC'S PETITION FOR ARBITRATION PURSUANT TO)
SECTION 252(b) OF THE COMMUNICATIONS ACT OF)
1934, AS AMENDED BY THE TELECOMMUNICATIONS)
ACT OF 1996, AND THE APPLICABLE STATE LAWS)
FOR RATES, TERMS, AND CONDITIONS OF)
INTERCONNECTION WITH INDIANA BELL)
TELEPHONE COMPANY D/B/A SBC INDIANA)

JUN 15 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42663-INT-01

On June 1, 2004, the above-captioned Petition for Arbitration between Level 3 Communications, LLC (Level 3) and Indiana Bell Telephone Company, Inc. d/b/a/ SBC Indiana (SBC) was filed with the Commission. On Wednesday, June 9, 2004, a conference call was held for the purpose of discussing a procedural schedule in this Cause.

In accordance with the agreement reached by the parties and other procedures the Commission finds appropriate, the presiding officers issue this docket entry. Specifically, the time line is as follows:

June 28 -- SBC Response (including a red-line ICA)

July 2 -- Joint submission by the parties outlining all disputed issues and their respective positions

July 9 -- Simultaneous filing of direct testimony

July 20 -- Simultaneous filing of rebuttal testimony

July 30 -- Tentative hearing date at 9:00 a.m. in E 306

Aug. 9 -- Filing of Proposed Orders

Aug. 16 -- Filing of Reply Proposed Orders

Aug. 24 --- Arbitration Facilitator's Report to the Commission to be filed only with the Commission as a Confidential Document

Sept. 24 -- Commission Order

Although parties agreed to a slightly different schedule during the conference call, the filing of briefs and reply briefs and then proposed orders is not necessary. It is standard

procedure in other arbitrations and other Commission proceedings that parties simply file Proposed Orders and Reply Proposed Orders.

The filing of Direct and Rebuttal Testimony should follow the general order of the disputed issues, with the first disputed issue at the beginning and the last disputed issue at the end. If several witnesses testify on a disputed issue, we would like that testimony to be together. For example, Dispute Issue 1 witnesses A, B, and C; Disputed Issue 2 witnesses D and E.

Discovery should be conducted on an informal basis with ten (10) business days to object or respond to any discovery request. The parties should submit one electronic copy of data responses (including the requests) to Joel Fishkin Assistant Director of Telecommunications, jfishkin@urc.state.in.us and the arbitration facilitator, John Kern at kern@voyager.net.

Proposed orders and replies must contain all issues discussed. For every contested issue, the proposed orders must contain the following: 1) Level 3 position; 2) SBC position; and 3) proposed Commission finding. The parties should keep posturing to a minimum in their proposed orders. The parties should agree on the outline of the issues and the outline should remain the same in proposed orders and replies. Each arbitrated issue will be self-contained within the proposed orders and replies and therefore should not refer to other arbitrated issues. However, if there is an issue that transcends a number of disputed issues, it may be a candidate to be discussed prior to the resolution of the disputed issues. For example, in Cause No. 40571-INT-03 (November 20, 2000), the SBC/Ameritech Merger Conditions transcended some of the disputed issues and it was discussed prior to the resolution of the specific disputed issues. Given the short time frame between the proposed orders and the arbitration facilitator's Report, we encourage parties to work together to agree on each other's positions on each disputed issue. The parties may refer to Cause No. 40571-INT-03 as an example.

The parties should file an original plus three additional copies with the Commission. All filings should also be submitted electronically to John Kern at kern@voyager.net, administrative law judge Gray at agray@urc.state.in.us, and Joel Fishkin at jfishkin@urc.state.in.us.

The parties should also send one copy of an Appendix of Authorities to the arbitration facilitator, which includes a list and paper copies of all IURC orders, other state orders, FCC Orders, Court opinions, and other legal documents cited in the testimony on July 23, 2004 and if there are any additional documents referred to in the proposed orders, they should be sent on August 12, 2004. Parties should work together so there is no duplication of filings. Mr. Kern's address is:

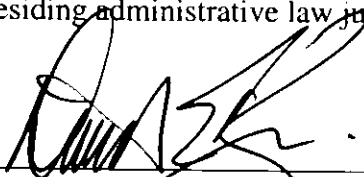
2300 N. Barrington Rd.
Suite 400
Hoffman Estates, IL 60195

The parties may be required to file additional information, at the discretion of the arbitration facilitator.

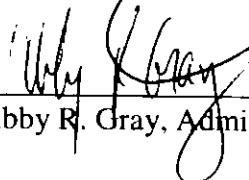
Finally, the evidentiary hearing scheduled for July 30, 2004 will be limited to questions posed by the arbitration facilitator in this Cause. The parties may submit questions to the arbitration facilitator, but it will be at his sole discretion whether the questions will be asked. The parties will not have an opportunity to cross-examine the opposing party's witnesses.

Any proposed deviation from this schedule and procedure must be submitted first to Mr. Kern and upon his discretion, to the presiding administrative law judge.

IT IS SO ORDERED.

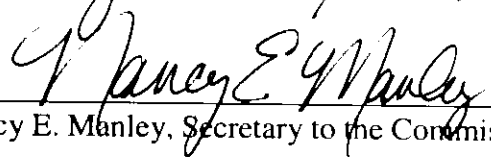


David E. Ziegner, Commissioner



Abby R. Gray, Administrative Law Judge

Date: June 15, 2004



Nancy E. Manley, Secretary to the Commission